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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,124	06/01/2001	Rudolf Ritter	P-281272/150	9808
22850	7590	03/25/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/857,124	<b>Applicant(s)</b> RITTER, RUDOLF	
	<b>Examiner</b> Julio R Perez	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-21 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (5627579) in view of Boys (6314094).

Regarding claims 15 and 22, Park discloses a mobile device and a method, comprising; a receiver configured to receive programs and program-accompanying digital data, wherein the programs include at least one of audio data and video data, and the program-accompanying digital data includes location parameters (col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34, the travel information device receives voice broadcast and data broadcast; further, the information device receives voice together with geographical data related to points of interests to the user); a position locating module configured to determine a current geographic position of the mobile device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS, position system); and a filter module configured to filter location-specific information from the program-accompanying digital data based at least

on the location parameters and the current geographic position (col. 6, lines 4-16, 41-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information).

Park does not explicitly disclose a communications module configured to transmit data from the mobile device to a service center based on the location-specific information.

However, in a similar field of endeavor, Boys discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Boys further discloses means to communicate requests over internet-based broadcasting entities from the internet-capable radio receiver, thus indicating the transmission of data from the mobile device to a broadcast center as related to its geographical position (col. 2, lines 48-65; col. 3, lines 1-4; col. 4, lines 15-53; Fig. 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Park with the teachings of Boys in order to render a user with accurate and efficient delivery of multimedia services.

Regarding Claims 16 and 23, Park discloses the mobile device, wherein the position-locating module includes a satellite-based positioning system or a terrestrial positioning system (col. 4, lines 12- 19; Fig. 2, ref. 50 and 80).

Regarding Claims 17 and 24, Park discloses the mobile device, further comprising a memory module configured to store a user profile wherein the filter module is configured to receive the user profile and to filter the location-specific information from

Art Unit: 2681

the program-accompanying digital data based on the user profile (col. 4, lines 35-57; col. 6, lines 41-67; col. 7, lines 1-11, information device provides capability to create user-customized database in relation points of interests as related to the user's particular interest).

Regarding Claims 18 and 25, Park discloses the mobile device, further comprising: a display configured to receive and display the location-specific information; and operating elements configured to allow selecting and editing of the location-specific information (col. 4, lines 35-57; Fig. 3, the information device presents information related to the data broadcasted and the location of the user on respective display).

Regarding Claims 19 and 26, the combination of Park and Boys discloses the mobile device of claims 15 and 22, wherein, the data includes the location-specific information (Park, col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34), and the communications module is configured to transmit the location-specific information to the service center (Boys, col. 2, lines 48-65; col. 3, lines 1-4; col. 4, lines 15-53; Fig. 1-2).

Regarding Claims 20 and 27, the combination of Park and Boys discloses the mobile device, wherein the location-specific information includes an URL address (Park, col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34), and the communications module is further configured to activate a resource in the Internet based on the URL address (Boys, col. 2, lines 48-65; col. 3, lines 1-4; col. 4, lines 15-53; Fig. 1-2).

Regarding Claims 21 and 28, the combination of Park and Boys discloses the mobile device, further comprising a processing module configured to execute program data files contained in the location-specific information (Park, col. 6, lines 41- 65; Fig. 2, ref. 60; Fig. 3, the information device contains a microprocessor, which, indeed, produces means for manipulating the program elements within the device, further, Boys, col.6, lines 30-39).

Regarding Claims 29 and 31, Park discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-57, calculation of distances between the vehicle position and the location of points of interests may be executed), and filter the location-specific information from the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claims 30 and 32, Park discloses the mobile device, wherein the position-locating module is configured to obtain position indications from a mobile network (col. 5, lines 12-16, the position of the vehicle is provided).

Regarding Claims 33 and 36, Park discloses a mobile device and means to provide a position locating unit configured to determine a current geographic position of the portable mobile device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS position system within); and processor configured to compare location parameters of the program-accompanying digital data to the current geographic position

Art Unit: 2681

(col. 6, lines 4-16, 41-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information), and selectively display the program-accompanying digital data based on a comparison between the location parameters and the current geographic position (col. 4, lines 37-57, calculation of distances between the vehicle position and the location of points of interests may be executed; and further on col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and displayed for the user); and a portable housing configured to support the receiver, the position location unit, and the processor (Figs 2-3 depict the mobile information device housing the GPS receiver, the TX and processor); filtering means for receiving the program-accompanying digital data and for filtering location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 6, lines 66-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information with respect to the mobile).

Park does not explicitly disclose the mobile device as being a portable mobile device, with a receiver configured to receive programs and program-accompanying digital data.

However, in a similar field of endeavor, Boys discloses a wireless portable receiver that connects to the Internet from mobile-radio broadcast and adapted to receive voice and data over the radio waves (col. 4, lines 10-53; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Park with the teachings

of Boys in order to provide the user with the portability necessary when carrying or moving the device around.

Regarding Claim 34, Park discloses the mobile device, further comprising: a memory unit configured to store a user profile, wherein the processor is configured to receive the user profile and to selectively display the program-accompanying digital data based on the user profile (col. 6, lines 41-67; col. 7, lines 1-11, information device provides capability to create user-customized database in relation points of interests).

Regarding Claims 35 and 37, Park discloses the mobile device, wherein the processor is further configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-48, calculation of distances between the vehicle position and the location of points of interests may be executed), and display the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claims 38 and 39, Park discloses the mobile, wherein the programs include radio programs or television programs (col. 2, lines 9-16; col. 3, lines 20-28, the system uses radio broadcast).

4. Claims 40, 50, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (5627579) in view of Boys (6314094) further in view of Lyons (6282412).

Regarding Claims 40,50,53, Park or Boys do not explicitly disclose the mobile device, wherein the memory module includes a removable chip-card.



However, in a similar field of endeavor, Lyons discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Lyons further discloses means to communicate to store information within a removable card (col. 2, lines 33-44; Fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Park and Boys with the teachings of Lyons in order to render a user with mechanisms of removable memory card in order to have other means for storing services such as user's profile.

Regarding Claim 41, the combination of Park, Boys and Lyons disclose the mobile device, wherein the communications module is configured to transmit the data from the mobile device in accordance with a short message protocol (Boys, col. 1, lines 24-45; col. 2, lines 48-65).

Regarding Claim 42, the combination of Park, Boys and Lyons disclose the mobile device, wherein the program data files include a Java applet (Boys, col. 11, lines 1-20, Web pages are typically written in hyper-text mark-up language, which contain several forms of embedded interactive links, and are normally written with the aid of Java code).

Regarding Claim 43, the combination of Park, Boys and Lyons disclose, comprising: inserting a data storage medium into the mobile device, the data storage medium including user information (Lyons, col. 2, lines 3-44; Fig. 1).

Regarding Claim 44, the combination of Park, Boys and Lyons, wherein the transmitting includes transmitting a request for at least one of a product, a service, or

additional information associated with at least one of the programs (Boys, col. 4, lines 36-53).

Regarding Claim 45, the combination of Park, Boys and Lyons, wherein the executing includes executing at least one Java applet included in the executable program data files (Boys, col. 11, lines 1-20, Web pages are typically written in hyper-text mark-up language, which contain several forms of embedded interactive links, and are normally written with the aid of Java code).

Regarding Claim 46, Park discloses, wherein the processor is further configured to: transmit data from the mobile device based on the comparison between the location parameters and the current geographic position (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

Regarding Claim 47, the combination of Park, Boys and Lyons, disclose the mobile device, wherein the processor is further configured to: transmit data from the mobile device to request at least one of a product, a service, or additional information associated with at least one of the programs (Boys, col. 4, lines 36-53).

Regarding Claim 48, the combination of Park, Boys and Lyons, disclose the mobile device, wherein the memory unit is arranged as a removable data storage medium (col. 2, lines 33-44; Fig.1).

Regarding Claim 49, Park discloses, wherein the portable housing is configured as one of a mobile telephone housing, a handheld computer housing, or a portable computer housing (Fig. 3, depicts a small light-weight computer arrangement).

Regarding Claims 51 and 54, Park discloses the mobile device, further comprising: a headphone jack configured to output an audio portion of the programs (Fig.3).

Regarding Claim 52, Park discloses the mobile device, wherein the portable housing is configured as one of a mobile telephone housing, a handheld computer housing, or a portable computer housing (Fig. 3, depicts a small light-weight computer arrangement).

Regarding Claim 55, the combination of Park, Boys and Lyons the mobile device of claim 36, further comprising: means for transmitting data to a service center based on the location-specific information (Boys, col. 2, lines 48-65; col. 3, lines 1-4; col. 4, lines 15-53; Fig. 1-2).

Regarding Claim 56, the combination of Park, Boys and Lyons disclose the mobile device, wherein the means for transmitting transmits the data in accordance with a short message protocol (Boys, col. 1, lines 24-45; col. 2, lines 48-65).

5. Claims 57-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (5627579) in view of Boys (6314094) further in view of Lyons (6282412).

Regarding Claim 57, Park discloses a method for obtaining information specific to a location of a portable device, comprising: receiving by the portable device a program and digital data associated with the program, the digital data including a location parameter (col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34, the travel information device receives voice broadcast and data broadcast; further, the information device receives voice together with geographical

data related to points of interests to the user); determining by the portable device a current geographic position of the portable device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS, position system); and filtering by the portable device location-specific information from the digital data based on the location parameter, the current geographic position, and the user profile col. 6, lines 4-16, 41-67; col. 7, lines 1-11; Fig. 5, ref. 180, the information device is provided with filtering means to provide location specific information).

Park or Boys do not explicitly disclose the mobile device, wherein inserting into the portable device a removable memory unit including a user profile.

However, in a similar field of endeavor, Lyons discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Lyons further discloses means to communicate to store information within a removable card (col. 2, lines 33-44; Fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Park and Boys with the teachings of Lyons in order to render a user with mechanisms of removable memory card in order to have other means for storing services such as user's profile.

Regarding Claims 58 and 60, the combination of Park and Boys discloses the method of, further comprising: transmitting data from the portable device based on the location-specific information (Boys, col. 2, lines 48-65; col. 3, lines 1-4; col. 4, lines 15-53; Fig. 1-2).

Regarding Claim 59, the combination of Park and Boys discloses the method, wherein the transmitting includes transmitting a request for a product, a service, or additional information associated with the Program (Boys, col. 4, lines 36-53).

Regarding Claim 61, the combination of Park and Boys discloses the method of claim 58, wherein the transmitting includes activating by the portable device a resource in the Internet using a URL address included in the location-specific information (Boys, col. 2, lines 48-65; col. 3, lines 1-4; col. 4, lines 15-53; Fig. 1-2).

Regarding Claim 62, Park discloses the method, further comprising: executing by the portable device a program data file included in the location-specific information (col. 6, lines 41- 65; Fig. 2, ref. 60; Fig. 3, the information device contains a microprocessor, which, indeed, produces means for manipulating the program elements within the device, further, Boys, col.6, lines 30-39).

Regarding Claim 63, the combination of Park, Boys and Lyons disclose the method, wherein the executing includes executing a Java applet included in the program data file (Boys, col. 11, lines 1-20, Web pages are typically written in hyper-text mark-up language, which contain several forms of embedded interactive links, and are normally written with the aid of Java code).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

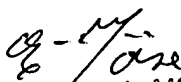
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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PRIMARY EXAMINER